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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
14)
Plaintiff,)
15)
v.)
16)
ANDRE BENARD,)
17)
Defendant.)
18)

No. CR 12-0780 SI

~~PROPOSED~~ ORDER EXCLUDING
TIME FROM OTHERWISE APPLICABLE
SPEEDY TRIAL ACT COMPUTATION,
FROM NOVEMBER 2, 2012 THROUGH
DECEMBER 7, 2012

19 The parties appeared before the Court on November 2, 2012 for status on the pending
20 Amended Form 12 in CR 05-0400 SI. The defendant, Andre Benard, appeared in custody,
21 represented by Mark Goldrosen, Esq., and the government appeared through Assistant U.S.
22 Attorney Andrew M. Scoble.

23 At the November 2, 2012 hearing, the parties pointed out that this case – CR 12-0780 –
24 had been filed, and involved a charge that defendant Andre Benard had violated 18 U.S.C. §
25 922(g)(1). The parties requested that the Court relate the new case (CR 12-0780) to the earlier
26 case (CR 05-0400 SI). The Court granted that request.

27 The parties also requested a continuance of both cases to December 7, 2012, and
28 stipulated that the time should be excluded from the newly charged case, for effective preparation

1 of counsel. The parties requested the continuance based on the need for the government to
2 produce, and defense counsel to review, discovery, and on the need for defense counsel to assess
3 the evidence in the new case to determine its impact on negotiations regarding a potential global
4 resolution. In open court, the defendant agreed to a continuance through December 7, 2012, with
5 a Speedy Trial Act exclusion.

6 The Court agreed that the requested continuance is appropriate, and that the period should
7 be excluded from the otherwise applicable Speedy Trial Act computation, because failure to
8 grant the continuance as requested would unreasonably deny the defendant the reasonable time
9 necessary for effective preparation, taking into account the exercise of due diligence.

10 The Court now enters this Order to memorialize its ruling on November 2, 2012.


11 Based upon the parties' representations and the parties' agreement in open Court, THE
12 COURT FINDS THAT the ends of justice served by granting a continuance from November 2,
13 2012 through and including December 7, 2012 outweigh the best interest of the public and the
14 defendant in a speedy trial, and that failure to grant such a continuance would unreasonably deny
15 the defendant the reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence.

17 Accordingly, THE COURT ORDERS THAT:

18 1. This case be continued from November 2, 2012 to December 7, 2012 at 11:00
19 a.m. , and that the period from November 2, 2012 to December 7, 2012 be excluded from the
20 otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) &
21 (B)(iv).

22 IT IS SO ORDERED.

23
24 DATED: 12/11/2012

25 
26 HON. SUSAN ILLSTON
27 United States District Judge
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